

SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed House Bill 1279 be amended to read as follows:

1 Page 89, between lines 14 and 15, begin a new paragraph and insert:
2 "SECTION 60. IC 8-1-37 IS ADDED TO THE INDIANA CODE
3 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
4 UPON PASSAGE]:

5 **Chapter 37. Broadband over Power Lines**

6 **Sec. 1. As used in this chapter, "broadband service" has the**
7 **meaning set forth in IC 8-1-2.6-1.3(a).**

8 **Sec. 2. As used in this chapter, "broadband over power lines"**
9 **means the provision of broadband service over electric power lines**
10 **and related facilities, whether above ground or in underground**
11 **conduit.**

12 **Sec. 3. As used in this chapter, "commission" refers to the**
13 **Indiana utility regulatory commission created by IC 8-1-1-2.**

14 **Sec. 4. As used in this chapter, "electric utility" refers to any of**
15 **the following:**

16 **(1) A public utility that furnishes retail electric service to the**
17 **public.**

18 **(2) A corporation organized under IC 8-1-13.**

19 **(3) A corporation organized under IC 23-17-1 that:**

20 **(A) is an electric cooperative; and**

21 **(B) has at least one (1) member that is a corporation**
22 **organized under IC 8-1-13.**

23 **Sec. 5. An electric utility that invests in or otherwise permits the**
24 **installation of a broadband over power lines system on the electric**
25 **utility's electric delivery system shall record and account for the**
26 **electric utility's capital investment and the operating expenses**
27 **reasonably incurred to directly support the electric utility's**
28 **deployment of broadband over power lines and all other**
29 **broadband over power line services consumed by the electric**
30 **utility.**

1 **Sec. 6. The commission may authorize incentives for the**
2 **applicant's deployment of a broadband over power lines system.**
3 **Incentives authorized by the commission under this section may**
4 **include but shall not be limited to one (1) or more of the following:**

5 **(1) Cost recovery through a separate tracking mechanism of**
6 **the electric utility's expenditures related to that part of the**
7 **broadband over power lines system used and useful in**
8 **providing electric utility service to customers.**

9 **(2) An enhanced return on equity on the capital portion of the**
10 **electric utility's expenditures with respect to that part of the**
11 **broadband over power lines system used and useful in**
12 **providing electric utility service to customers.**

13 **(3) Deferral for subsequent recovery in a subsequent general**
14 **rate case, with reasonable carrying costs, of the electric**
15 **utility's expenditures with respect to that part of the**
16 **broadband over power lines system used and useful in**
17 **providing electric utility service to customers.**

18 **Sec. 7. (a) This section applies to an electric utility that permits**
19 **another entity to install or operate a broadband over power lines**
20 **system on the electric utility's electric delivery system.**

21 **(b) In connection with incentives under section 6 of this chapter,**
22 **an electric utility may request an expedited determination by the**
23 **commission of the reasonableness of the allocation of costs between**
24 **the electric utility and the entity installing or operating the**
25 **broadband over power lines system."**

26 Renumber all SECTIONS consecutively.

(Reference is to EHB 1279 as printed February 17, 2006.)

Senator HERSHMAN